

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

THOMAS ROGER WHITE, JR. and  
PATRICIA CAULEY on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS  
AMERICA, INC. and SONY  
ELECTRONICS INC.,

Defendants.

Civil Action No. 17-1775  
(MCA)(SCM)

Hon. Madeline Cox Arleo, U.S.D.J.  
Hon. Steven C. Mannion, U.S.M.J.

**Return Date: October 7, 2019**

Oral Argument Requested

*Document Electronically Filed*

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**NOTICE OF DEFENDANT SONY ELECTRONICS INC. JOINING  
DEFENDANT SAMSUNG ELECTRONICS AMERICA, INC.'S MOTION  
TO RECONSIDER OR, IN THE ALTERNATIVE, MOTION TO CERTIFY  
ORDER OF AUGUST 21, 2019 FOR INTERLOCUTORY APPEAL  
PURSUANT TO 28 U.S.C. § 1292(b)**

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*Additional counsel on signature page*

## **BRIEF STATEMENT OF JOINDER**

Samsung Electronics America, Inc. (“Samsung”) has moved for reconsideration of this Court’s August 21, 2019 Order, ECF No. 104 (“August 2019 Order”). Sony Electronics Inc. (“Sony”) joins Samsung’s Motion for Reconsideration. The Court should reconsider allowing Plaintiffs to proceed into discovery on the basis of Wiretap Act claims which the Court has previously, correctly, held to be fatally flawed.

The Court previously granted Sony and Samsung’s Motion to Dismiss the First Amended Complaint (“FAC”) in its entirety. 2018 Order, ECF No. 82 (“Sept. 2018 Order”). In so doing, the “Court agree[d] that Defendants are parties to the communications at issue here” and dismissed Plaintiffs’ Wiretap Act claims “on that basis.” Sept. 2018 Order at 5.

The Court granted Plaintiffs permission to file a Second Amended Complaint (“SAC”). In all material respects, the allegations against Sony in the SAC were identical to those made in the dismissed FAC. Yet, in its August 2019 Order, the Court found that Plaintiffs’ previously-dismissed Wiretap Act allegations now sufficed. Sony agrees with Samsung that the Court’s September 2018 Order was correct, and that the August 2019 Order drawing the opposite conclusion constituted clear error. Sony asks the Court to reconsider, dismiss the Wiretap Act claims, and hence end this case. In the alternative, if the Court declines reconsideration, Sony joins in Samsung’s request to certify the Court’s August 2019 Order on the Wiretap Act claims for interlocutory review.

Dated: September 4, 2019

Respectfully submitted,

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**SONY ELECTRONICS INC.**